

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division
BETHANY ENGEL (MA-660840)
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
Telephone: (202) 514-6892
Facsimile: (202) 514-0097
Email: Bethany.Engel@usdoj.gov

Attorneys for Plaintiff United States of America

MICHELE D. ROSS (CA 112014)
Reed Smith LLP
101 Second Street, Suite 1800
San Francisco, CA 94105-3659
Phone: 415-543-8700
Fax: 415-391-8269
Email: mross@reedsmith.com

Attorneys for the Trustee of the Volkswagen Diesel Emissions Environmental Mitigation Trust for Indian Tribe Beneficiaries

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: VOLKSWAGEN “CLEAN DIESEL”) MDL No. 2672 CRB
MARKETING, SALES PRACTICES, AND)
PRODUCTS LIABILITY LITIGATION) UNITED STATES’ AND TRUSTEE’S
) NOTICE OF ERRATA TO NOTICE OF
) CONSENT TO MODIFICATIONS TO
) INDIAN TRIBE TRUST AGREEMENT AND
) MEMORANDUM IN SUPPORT OF JOINT
) REQUEST FOR COURT APPROVAL OF
) MODIFICATIONS

This Document Relates to:

United States v. Volkswagen AG et al.,
Case No. 16-cv-295 (N.D. Cal.)

) Date: To be determined
) Time: To be determined
) Courtroom 6, 17th Floor
) The Honorable Charles R. Breyer

On October 23, 2023, the United States filed on behalf of itself and Wilmington Trust, N.A., the Trustee of the Volkswagen Diesel Emissions Environmental Mitigation Trust for Indian Tribe Beneficiaries, a Notice of Consent to Modifications to Indian Tribe Trust Agreement and Memorandum In Support of Joint Request for Court Approval of Modifications (“Joint Request”). Dkt. 8204. Shortly thereafter, the United States identified (1) a typographical error and (2) an inadvertent omission in the Joint Request. Specifically, page 9¹ lines 20-22 of the Joint Request states: “The proposed modifications will together result in more funds being allocated to Designated Beneficiaries under the Final Distribution than would have been **unavailable** in a fifth funding cycle.” (erroneous text in **bold**). This sentence should be replaced with the following, which corrects the typographical error: “The proposed modifications will together result in more funds being allocated to Designated Beneficiaries under the Final Distribution than would have been **available** in a fifth funding cycle.” (corrected text in **bold**). In addition, the Joint Request erroneously omitted a signature block for counsel to the Trustee, despite the fact that they concurred in the filing of the Joint Request as reflected in the Attestation thereto. The following signature block should be inserted on page 10 of the Joint Request:

/s/ Michele D. Ross
 MICHELE D. ROSS
 Reed Smith LLP
 101 Second Street, Suite 1800
 San Francisco, CA 94105-3659
 Phone: 415-543-8700
 Fax: 415-391-8269
 Email: mross@reedsmith.com

Attorneys for the Trustee

A corrected Joint Request, excluding the exhibits to the original, is attached as Exhibit A. The United States and the Trustee have made no other changes to their Joint Request.

¹ Page references are to the header in the docket stamped PDF (e.g., Page 9 of 10).

1 Dated: November 17, 2023

Respectfully submitted,

2 For the United States of America

3 TODD KIM
4 ASSISTANT ATTORNEY GENERAL
5 ENVIRONMENT AND NATURAL RESOURCES DIVISION

6 /s/ Bethany Engel

BETHANY ENGEL

Senior Attorney

7 Environmental Enforcement Section

8 Environment and Natural Resources Division

United States Department of Justice

9 P.O. Box 7611

Washington, D.C. 20044-7611

10 Telephone: (202) 514-6892

11 Facsimile: (202) 514-0097

12 *Attorneys for Plaintiff United States of America*

13 /s/ Michele D. Ross

14 MICHELE D. ROSS

Reed Smith LLP

15 101 Second Street, Suite 1800

16 San Francisco, CA 94105-3659

Phone: 415-543-8700

17 Fax: 415-391-8269

Email: mross@reedsmith.com

18 *Attorneys for the Trustee*

19
20 **ATTESTATION**

21 Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the
22 filing of this document has been obtained from the other signatories above.

23 Dated: November 17, 2023

/s/ Bethany Engel

24 Bethany Engel